

REMARKS

Claims 1 and 17 have been amended to more clearly recite that the embossing structure of the base layer is not transferred to the surface of the transparent cover layer facing away from the base layer. Claims 1 and 17 have been further amended to recite the relationships between the softening points and the temperatures of the base layer and transparent cover layer. Support for amended Claims 1 and 17 can be found at, for example, page 11, line 1 of the first full paragraph to page 13, line 6. Claims 10 and 26 have been amended to more clearly indicate that the surface of cover layer facing away from the base layer is embossed in a separate step from that whereby the embossing of the base layer is transferred to the surface of the transparent cover layer which is in contact with the base layer. Support for amended Claims 10 and 26 can be found at, for example, page 7, lines 4 to 18. Entry of this Amendment is respectfully requested. Claims 1-33 are pending.

Response to Claim Rejections Under §112

Claims 1-33 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

Without conceding the merits of the rejection, Claims 1 and 17 have been amended to more clearly recite that the embossing structure of the base layer is not transferred to the surface of the transparent cover layer facing away from the base layer during the step whereby the embossed structure is transferred from the base layer in the underside of the cover layer.

In addition, Claims 10 and 26 have been amended to more clearly indicate that the surface of cover layer facing away from the base layer is embossed in an additional step, which is separate from that whereby the embossing of the base layer is transferred to the surface of the transparent cover layer which is in contact with the base layer.

Accordingly, withdrawal of the rejection is respectfully requested.

Response to Claim Rejections Under §§ 102 and 103

A. Claims 1-11 and 14-33 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by either U.S. Patent No. 4,409,280 to Wiley et al. or U.S. Patent No. 5,773,127 to Martin et al;

B. Claims 1, 6, 7, 8, 17, 22, 23, 24, 27 and 29 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,102,716 to Balmer et al.; and

C. Claims 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wiley or Martin.

Applicants respectfully traverse.

The present claims relate to a floor covering of a multilayer plastic web or sheet having a three-dimensional optical appearance, comprising a base layer that is surface embossed on one side and a transparent cover layer based on PVC, arranged on the embossed surface of the base layer, such that the embossed structure is transferred from the base layer in the underside of the cover layer, but not in the surface of the cover layer facing away from the embossed base layer, wherein the transparent cover layer has a softening point lower than the base layer, or, when laminating the base layer and the transparent cover layer, the temperature on the side of the cover layer is higher than on the side of the base layer.

Wiley and Martin both relate to a chemical embossing technique, wherein the structuring is achieved by foaming a respective layer, while, in specified areas, forced foaming is retarded. Accordingly, any structuring, i.e., embossing, resulting therefrom will be present in every layer which is provided on the foaming layer. Thus, as can be clearly seen in the figures of Wiley and Martin, a respective cover layer will always be structured, i.e., embossed, and therefore will

never have a surface of the cover layer facing away from the embossed base layer, wherein the embossing of the base layer is not transferred to the surface of the cover layer facing away from the embossed base layer.

In contrast, according to the present invention, the transparent cover layer principally has a smooth surface facing away from the embossed base layer which is not disclosed or suggested by either Wiley or Martin. In this regard, Applicants note that the additional embossing step recited in present Claims 10 and 26, wherein the surface of the cover layer facing away from the base layer is embossed, is an additional step, separate from the embossing step recited in Claims 1 and 17.

Moreover, none of Wiley, Martin or Balmer discloses or suggests that the transparent cover layer has a softening point lower than the base layer, or, when laminating the base layer and the transparent cover layer, the temperature on the side of the cover layer is higher than on the side of the base layer, as presently claimed.

In this regard, as disclosed at page 11, line 1 of the first full paragraph, to page 13, line 6, of the present application, the presently claimed floor covering exhibits unexpected advantageous effects. That is, according to the present invention, an excellent three-dimensional optical appearance of the plastic web can be achieved when the transparent cover layer is softer when bonded to the base layer than the base layer which is embossed on one side on the surface.

In view of the very different embossing method of the present invention as compared to that of Wiley, Martin and Balmer, one of ordinary skill in the art would not have arrived at the presently claimed invention, having the unexpectedly advantageous effects discussed above, given the disclosures of Wiley, Martin or Balmer.

More particularly, according to the present invention, one of the unexpected advantageous effects is that the floor covering has a three-dimensional appearance, but a smooth (i.e. no transferred embossing) cover layer. Thus, the three-dimensional appearance is not tangible. Accordingly, although having a three-dimensional appearance, the floor covering according to the present invention is not subject to soiling due to dirt sticking in respective structures on the cover layer, and as such, is easy to clean. At the same time, the floor covering according to the present invention satisfies high optical quality and appearance.

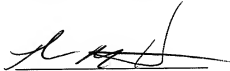
With regard to the additional embossing which might be present on the top surface, as indicated above, the additional step of embossing has additional functions, as disclosed in the present specification discussed above.

Thus, Wiley, Martin and Balmer fail to anticipate or render obvious the present claims. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas M. Hunter', written over a horizontal line.

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